



ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MASSACHUSETTS 01545-5398

April 19, 2005

PUBLIC HEARING: Alfred J. Errede, 7 Robin Road, Shrewsbury, MA

PURPOSE: To hear the appeal of Alfred J. Errede, 7 Robin Road, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the construction of an addition upon property located at 7 Robin Road to be occupied as an in-law apartment. The subject premises is described on the Shrewsbury Assessor's Tax Plate 39 as Plot 394-33.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Peter D. Collins Dale W. Schaetzke and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 4, 2005 and April 11, 2005.

Mr. Salerno: Please identify yourself for the record and make your presentation.

Mr. Errede: Good evening. I'm Alfred Errede, Jr., and this is my dad, Al Errede, Sr.

Basically, we're just asking for permission to put up an in-law apartment for many obvious reasons, one is we're getting older. There are two houses right now, my house and his house. So, we just want to combine them so that I can help them out. Basically, that's about it.

Mr. George: Do you have any plans or anything like that?

Mr. Errede: Yes, I do. They're small, just a rough draft.

(Mr. Errede presented the plans to the board members.)

Mr. Salerno: Maybe you want to take us, Mr. Errede, through these plans.

Mr. Errede: Basically, all this is is I just did a quick front elevation on top of that side elevation. Then the second page will be the floor plan. Again, the interior could change, but basically that's the core of the interior, the two floors of a split. Just to explore it a little bit, it's larger for you on the last two pages. That's all that that is. It's 16 ft. by 30 ft. The property line is 29.5 ft. away. I think you have a copy on those plans there, the plot plan?

Mr. Salerno: Yes.

Mr. Errede: I kind of sketched that in for you so that you can see where it falls.

Mr. George: Is there any rear entrance to the addition?

Mr. Errede: There is a side entrance, a front entrance and an entrance also into the existing home in the plans.

Mr. George: Okay.

Mr. Salerno: So, the kitchen in the in-law apartment will be the room that abuts the in-law?

Mr. Errede: Yes, that's the right side on the front elevation. That's what's in black.

Mr. Gordon: So, you've left the garage?

Mr. Errede: You'll see that I have labeled "Existing Structure" for the in-law.

Mr. Salerno: So, the kitchen will be what's above the garage? You'll enter above the garage into your house?

Mr. Errede: Actually, the kitchen will be ground level. You'll walk in off of the driveway to the kitchen and then you have a small bathroom and storage room in back with a washer and dryer and a water heater and so forth. There will be a living room and bedroom upstairs and a small bathroom also. When I say "upstairs," it's sort of like a split, an upper level and a lower level.

Mr. Salerno: What will separate or connect the in-law apartment to your living area? Will there be sliders, French doors?

Mr. Errede: With the existing home?

Mr. Salerno: Yes.

Mr. Errede: It will be a traditional door. I'm not sure if code requires a steel door or not, whatever's required by code. I think a 3 ft. steel door is required. I'm not sure.

Mr. Salerno: That's what's going to lead into your home from the living room?

Mr. Errede: Well, it's presently my dad's home. Yes, right by the stairs there. If you look at the upper elevation, that's the door leading into the existing structure.

Mr. Salerno: Do any board members have questions? Is there anyone in attendance who would like to comment on this petition? Seeing no further comment, we'll take the matter

under advisement and notify you of our decision. You are aware, sir, of the limitations of an in-law apartment? You're not going to be able to rent it.

Mr. Errede: Yes, I'm aware of all of it.

Mr. Salerno: They've got to be related by blood or marriage to occupy this and it will run with the property. I mean, it will run during the tenancy in all likelihood.

Mr. Errede: Yes, I am aware of the restrictions.

Decision

On April 19, 2005, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Alfred J. Errede, 7 Robin Road, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the construction of an addition upon property located at 7 Robin Road to be occupied as an in-law apartment.

The appellant proposes to construct a 16 ft. by 31 ft. addition to the northerly side of his home that he will occupy as an in-law apartment. Mr. Errede's son and his family will subsequently reside in the existing residence situated upon the subject property.

Upon review of the proposed plans, the board found that the addition and its intended occupancy were in full compliance with all of the applicable dimensional requirements of the Zoning Bylaw as well as the intent of the bylaw in permitting such accessory living accommodations within or attached to a single family home. It was their opinion that the construction and occupancy of the apartment would not create any condition which would be harmful or injurious to the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board and subject to the limitation that the in-law apartment shall only be occupied by three or less individuals, all of whom shall be related to the principal occupants of the subject premises.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Collins	Yes
Mr. Schaetzke	Yes

PUBLIC HEARING: Raymond J. Sardagnola, 37 Colonial Drive, Shrewsbury, MA

PURPOSE: To hear the appeal of Raymond J. Sardagnola, 37 Colonial Drive, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the occupancy of part of the basement of the single family dwelling situated upon property located at 37 Colonial Drive as in-law apartment. The subject premises is described on the Shrewsbury Assessor's Tax Plate 1 as Plot 3-1.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Peter D. Collins, Dale W. Schaetzke and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 4, 2005 and April 11, 2005.

Mr. Salerno: Please identify yourself for the record and make your presentation.

Mr. Sardagnola: My name is Raymond J. Sardagnola. I am the owner of 37 Colonial Drive. I wish to build an in-law apartment in the lower level of my home so that my mother-in-law can reside there.

Mr. Salerno: Mr. Sardagnola, we have your petition here. But, as you heard the hearing just prior to you, do you have any plans or footprints?

Mr. Sardagnola: I have a rough plan that I have made up myself.

Mr. Salerno: Do you have that with you?

Mr. Sardagnola: It's actually out in my car. I should have brought that in?

Mr. Salerno: If you think that it would be helpful.

Mr. Sardagnola: Yes, I think it may be. Would you like to have me do that right now?

Mr. Salerno: Well, what we could do is are Paul and Sheila Towne here?

Mr. Melick: I'm representing them.

Mr. Salerno: We'll step you back if you'd like.

Mr. Sardagnola: That's fine.

Mr. Salerno: We have another matter scheduled right at 7:15. We have to stay on the schedule that's posted because people will appear at that time. Okay?

Mr. Sardagnola: I see.

Mr. Salerno: So, if you want to take a few minutes to get that go right ahead.

Mr. Sardagnola: Yes.

Mr. Salerno: We'll resume Raymond J. Sardagnola's hearing for 37 Colonial Drive.

Mr. Sardagnola: Yes. I have the drawing.

Mr. Salerno: Why don't you put them right up on the board there so that it will be easy to see them.

Mr. Sardagnola: It may or may not be dark enough to see. It's in pencil right now.

Mr. Salerno: Yes, you may want to circulate it.

Mr. Sardagnola: What's that?

Mr. Salerno: You may want to circulate it. Why don't you start with Ms. Towner.

(Mr. Sardagnola presented the plan to Ms. Towner.)

Mr. Sardagnola: It's in the early stages of planning. There's about a 1,200 sq. ft. area in my basement. Where as the foundation of the house, the cement, is only about three or four feet high, that allowed for them, when they built the house, to put in full sized windows around the entire perimeter of the basement. There are three doors in which you can enter the lower level, the front entrance, which is like a split, which is right here, then entrance where we enter the house, which is right here, there's a split stairwell. One goes down to that lower level and one goes to the main house. Then at the back of the house behind the house there's a sliding door right here, which would be off of what we propose to be the living room. So, there are actually three ways of getting in and out of this house. There are full size windows around the entire perimeter of this place.

The house was originally built with the rough plumbing installed for a bath down on the lower level but it appears that they never completed it. Everything is all roughed in and it's there, but they never finished it. What we would like to do is have a plumber complete the bath and of course provide for a bathroom. The area here would be the kitchen. There's a window there. The area here would be the bedroom and then the living room. It's a simple layout. And there would be a laundry room as well where the furnace is here. I would like to close in this area here and have the furnace area also be the laundry, which is where the laundry currently is in the house.

Mr. George: Now, the garage that you're proposing is that...

Mr. Sardagnola: Garage?

Mr. George: Is this?

Mr. Sardagnola: Yes, that would be out here.

Mr. George: Is that part of the house right now?

Mr. Sardagnola: Yes.

Mr. George: It is part of the house?

Mr. Sardagnola: Yes, it's attached to the house. Yes, it's part of it. It's an unusual house, really. It looks like a ski slope from the road, quite frankly. But, the area down here is 1,200 sq. ft. and there are three means of entry into this. We have the bath, the kitchen and then kind of like an open area between all of the rooms which would be kind of like a little area that you could use as a dining area and then an entry here, an entry here and there's a slider her that goes out to the back yard.

Mr. George: So, that will be your exit outside?

Mr. Sardagnola: No, there are three exits to go outside. The primary one for the apartment would most likely be the front entrance, which, like I said, enters like a split. Half goes up to the main house and the other half goes down to the lower level. Although, I wouldn't have a problem, with the driveway being right here, with them coming through the entry that we use as well and entering that way. It's really the simplest entering from the driveway.

Mr. Gordon: Is your lot a corner lot.

Mr. Sardagnola: No, it's not.

Mr. Gordon: Is that second lot somebody else's? There's a stone wall.

Mr. Sardagnola: Yes, the one with the stone walls.

Mr. Gordon: That is somebody else's?

Mr. Sardagnola: That's someone else's lot altogether. My lot is about an acre and a quarter right next to that.

Mr. Gordon: But, it goes right in?

Mr. Sardagnola: It goes right straight in.

Mr. Gordon: You do have entryway onto Jacobson?

Mr. Sardagnola: Onto Jacobson, no.

Mr. Gordon: You have no entry onto Jacobson?

Mr. Sardagnola: No, just Rivlin Street.

Mr. Gordon: Colonial Drive.

Mr. Sardagnola: Not Rivlin. I'm sorry, Colonial Drive. Rivlin is where I moved from.

Mr. Gordon: Did you speak to your neighbors?

Mr. Sardagnola: I haven't, no.

Mr. Gordon: Because, I spoke to your neighbors and I knew that you hadn't. Although the two that I spoke to told me they weren't opposed to it, they had never been spoken to.

Mr. Sardagnola: Okay.

Mr. Gordon: Basically, they'll punish you by having you have the block party this year, they said.

Mr. Sardagnola: That's fine

Mr. Gordon: But, you know, it's always a good idea to speak to your neighbors.

Mr. Sardagnola: It's all in the planning stages really. This is all new.

Mr. Gordon: Once we do this though, the hearing's over.

Mr. Sardagnola: Okay.

Mr. Gordon: So, the planning stages are finished.

Mr. Sardagnola: I kind of put the cart before the horse.

Mr. Gordon: Sort of. I understand your daughter baby sits for some of them and I understand there's a good relationship in the neighborhood?

Mr. Sardagnola: No, my daughter doesn't baby sit.

Mr. Gordon: Your daughter doesn't baby sit, all right. But, I understand that there's a good relationship in the neighborhood.

Mr. Sardagnola: Yes, I have a good relationship so far.

Mr. Gordon: It would have helped if you had spoken to them. It's always easier.

Mr. Sardagnola: I've never done this before.

Mr. Salerno: Okay. You can have a seat back at the table.

There's also a letter in the file signed by Robert Jarrard and Cathy Fitzgerald. They're at 38 Colonial Drive. They expressed some concern over the issuance of a special permit. Their concern is that this would revert at some future date to rental property is the text of the letter. You are aware, sir, of the limitations on an in-law apartment, that it has to be occupied by a blood relative or by marriage.

Mr. Gordon: That's a deed restriction

Mr. Salerno: Certainly, you would not be able, at some point, to convert it to rental property under the special permit. Are you aware of that?

Mr. Sardagnola: Yes, I am.

Mr. Salerno: Do any board members have questions? Is there anyone in attendance who would like to comment on this petition? Sir, would you identify yourself for the record.

Mr. Foley: My name is Steve Foley of 5 Jacobson Drive. I'm an abutter. I just wanted to say that... I'm sorry; I can't pronounce your last name.

Mr. Sardagnola: That's all right.

Mr. Foley: He's done a lot of work on the house. He's done very good things for the house. It's much better than it was when he first purchased the property. He's not looking to change the exterior in any way. I don't see how it would be detrimental to the neighborhood. Again, if it did convert to rental property, which it's not supposed to, that might be an issue. But again...

Mr. Salerno: Well, it wouldn't be allowed under the special permit.

Mr. Foley: Correct. But, I just don't see how it would be that detrimental to the neighborhood. I'd like to keep them happy.

Mr. Salerno: Have you seen the plans, Mr. Foley, that your neighbor, Raymond J. Sardagnola, submitted.

Mr. Foley: No, I have not.

Mr. Salerno: He's got a set there.

Mr. Foley: No. The understanding that I have is that there are no changes to the exterior. It's all interior construction.

Mr. Sardagnola: None whatsoever.

Mr. Foley: As I stated, I don't see how that affects the neighborhood at all. How his mother-in-law wants to live there is their business.

Mr. Salerno: Who do you anticipate occupying the apartment?

Mr. Sardagnola: My mother-in-law.

Mr. Salerno: Just one person?

Mr. Sardagnola: Yes.

Mr. Salerno: How old is she?

Mr. Sardagnola: She's about 65.

Mr. Gordon: She's young.

Mr. Sardagnola: Yes, but she's been widowed three time now. She's had enough.

Mr. Gordon: She's real young.

Mr. Sardagnola: She wants to sell her house. She's single!

Mr. Gordon: Unfortunately, I'm not.

Mr. Salerno: Mr. Foley, thank you for taking the time to come in here. Your opinion's important to us. We feel that if we're granting requests for variances from our zoning bylaws that other people who have property in the area that relates to it certainly their property is valuable. Nobody should profit at somebody else's detriment. It's important that we hear from you folks. You took the time to come in here and that's helpful to the board. I thank you for that.

Mr. Foley: Thank you.

Mr. Salerno: Is there anyone in attendance who would like to comment on this petition? Seeing no further comment, we'll take the matter under advisement and notify you of our decision.

Decision

On April 19, 2005, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Raymond J. Sardagnola, 37 Colonial Drive, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the occupancy of part of the basement of the single family dwelling situated upon property located at 37 Colonial Drive as in-law apartment.

The board reviewed the appellant's proposal to create in-law living accommodations within part of the existing basement area of his home and found the arrangement of the proposed rooms and the intended occupancy of this space to be in full compliance with the intent of the Zoning Bylaw in permitting such ancillary in-law apartments within or attached to a single family dwelling. They noted that the basement of this structure is substantially above the average grade of the adjacent side yards of the premises and is at a walk-out level at its rear wall. They found this configuration to be ideally suited for the incorporation of the in-law arrangements and that its intended occupancy would not create any condition which would adversely affect the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board subject to the limitation that the in-law apartment shall be occupied by three or less individuals, all of whom shall be related to the principal residents of the subject premises.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Collins	Yes
Mr. Schaetzke	Yes

PUBLIC HEARING: Paul and Sheila Towne, 119 Old Mill Road, Shrewsbury, MA

PURPOSE: To hear the appeal of Paul and Sheila Towne, 119 Old Mill Road, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 119 Old Mill Road maintaining the existing setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 26 as Plot 53.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Peter D. Collins, Dale W. Schaetzke and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 4, 2005 and April 11, 2005.

Mr. Salerno: Please identify yourself for the record and make your presentation.

Mr. Melick: My name is Jay Melick. I prepared the plans and am presenting it for the homeowners, Paul and Sheila Towne. What I would like to do is pin up on the board elevations of the proposed addition and pass around to you the site plans.

Mr. Salerno: Are they here, your clients?

Mr. Melick: They are not.

(Mr. Melick presented site plans to the board members.)

Mr. Gordon: Mr. Chairman, I drove by the house the other day. They have a large family and one on the way. I'm sure it's difficult for them to get out in the evening. That's probably why they're not here.

Mr. Melick: Actually, Mrs. Towne is expecting. I think it should be any day. I know that she was due sometime this week.

Mr. Gordon: I wouldn't have presumed that, but I would have thought that.

Mr. Melick: That's maybe why they're not here.

Mr. Salerno: I tell you, Mr. Gordon doesn't miss a trick.

Mr. Melick: Okay. Again, my name is Jay Melick. I prepared the plan for the addition.

The lot is a preexisting, nonconforming lot due to its size. The lot is only 8,300 sq. ft. The required is 12,500 sq. ft. The house, as it sits, is set 25 ft. from the street with a 30 ft. setback now required. So, those two conditions are what constitute the preexisting, nonconforming structure.

We're looking to add onto the house. The plan that I just circulated around would show on the site plan a dotted line which indicates the one-stall garage that's existing and little breezeway that's connecting it. The solid line outlines the proposed addition which would be, basically, a new kitchen/dining room and a single carport. Above that, we're adding one additional bedroom and a dormer across the back of the house. Upstairs, currently, there are two bedrooms. So, we're adding a single bedroom which would bring it up to three bedrooms on that level and, of course, the downstairs would be expanded as I said.

The side setback, on the left-hand side, currently is about 18 ft. We would be 2 ft. closer which wouldn't be a violation into the side yard setback requirement which would be, I believe, 15 ft.

Mr. Alarie: It's 10 ft.

Mr. Melick: Ten feet? So, we would be conforming. So, we're not creating any nonconforming condition other than that 2 ft. setback to where we're approaching a little bit closer than before from the front.

Mr. Salerno: Could you go over that again.

Mr. Melick: The side setback on this left-hand side?

Mr. Salerno: Yes.

Mr. Melick: Currently, we're 18 ft. The garage/carport is 18 ft. We will be 16 ft. so we're effectively 2 ft. closer. But, we're allowed up to 10 ft. without a variance for that so we're still within that setback requirement. But basically, the front elevation of the house, the difference would be two new dormers in the front which don't exist and this is a rebuild of the side where the garage would come down. Again, the volume of the structure will be similar to this. We're going to replace it with the same length structure but we're going to put a third bedroom up above. This would be an open carport. That's about it.

Mr. Salerno: So, you're increasing the lot coverage with the new structure?

Mr. Melick: We're increasing the lot coverage.

Mr. Salerno: Do you know by how many square feet?

Mr. Melick: Exactly how much, I don't. I could do a quick look at my plan here. It looks like the proposed addition is probably a little more than 50 % of what we're tearing down in rough numbers. That's not exact, but pretty close.

Mr. Alarie: The maximum lot coverage in this district is 30 percent. I think you can see that they're still well below that.

Mr. Melick: We should be. We're 8,300 sq. ft. on the lot.

Mr. George: Are you eliminating the garage on the home?

Mr. Melick: Well, the garage is coming down but we're replacing it with a carport. So, you will still have one carport roof to be under the structure above. Basically, the hardship is that it's a preexisting, nonconforming structure.

Mr. Gordon: It's a special permit though, not a variance.

Mr. Melick: Yes, a special permit and a large family as a hardship.

Mr. Salerno: Do any board members have questions?

Mr. Gordon: This is one of these corner lots where you get the added disadvantage of having two front yards instead of side yards. So, in that instance, there is a hardship but this is a special permit. I think that was an older subdivision, wasn't it Ron, or approved at the time when the size was 8,000?

Mr. Alarie: It was built before current zoning, yes.

Mr. Salerno: Is there anyone in attendance who would like to comment on this petition? Seeing no further comment, we'll take the matter under advisement and notify you of our decision.

Decision

On April 19, 2005, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Paul and Sheila Towne, 119 Old Mill Road, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 119 Old Mill Road maintaining the existing setbacks of said property.

The appellants' property is situated at the corner of Old Mill Road and Pondview Drive and is nonconforming with respect to its lot area and front yard setbacks from both streets. They have a breezeway and an attached single car garage located to the northerly side of their home which they propose to remove. In its place, they plan to construct an addition consisting of a kitchen, dining room and carport on its first floor and a third bedroom on its upper level. Dormers would also be added to the second floor bedroom area of their existing home. The proposed expansion would utilize the property' existing front yard setback from Old Mill Road.

Upon review of this appeal, the board found that the reconfiguration and expansion of Mr. and Mrs. Towne's home would not materially alter its nonconforming features or adversely impact the welfare of area residents. They noted that the Millwood Manor neighborhood was developed prior to the institution of zoning in Shrewsbury and consists primarily of properties similar in size and shape to that of the appellants' with the predominance of the homes therein having various nonconforming setbacks. It was their opinion that the Towne's residence, when completed, would provide much needed expanded living space for their family and would compliment the general character of the other properties within this neighborhood. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Collins	Yes
Mr. Schaetzke	Yes

PUBLIC HEARING: Shrewsbury Homes, Inc., 411 Boylston Street, Shrewsbury, MA

PURPOSE: To hear the appeal of Shrewsbury Homes, Inc., 29 Pendell Circle, Boylston, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the occupancy of a portion of a single family dwelling to be constructed upon property located at 411 Boylston Street as an in-law apartment. The subject premises is described on the Shrewsbury Assessor's Tax Plate 4 as Plot 5.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Peter D. Collins, Dale W. Schaetzke and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 4, 2005 and April 11, 2005.

Mr. Salerno: Attorney St. Pierre, would you introduce your client and make your presentation please.

Atty. St. Pierre: Yes. For the record, my name is Rod St. Pierre. Ron Aspro is with me. He's the president and owner of Shrewsbury Homes. Shrewsbury Homes has been building in town for a little over forty years through Ron's father and himself.

(Atty. St. Pierre presented packets to the board members.)

I have some pictures showing the lot. There are two lots that are under construction. This particular house on Lot 1 is what's proposed before you this evening. Just to run it through, I've highlighted in yellow the in-law apartment. Again, the main entrance to the

house, the in-law apartment, is to the right-hand side. I've also given you site plans showing where the in-law sits on the property.

Mr. Salerno: Mr. St. Pierre, can you tell me, in relationship to this one that you gave us, where Route 140 is?

Atty. St. Pierre: Route 140 is right next to Lot 2 going down Colonial Drive as you're heading out. That is also a split lot. The majority of the in-law apartment is in Boylston. This is an allowed use in Boylston.

Mr. Salerno: Is this where the blasting is going on?

Atty. St. Pierre: The blasting was on Lot 2, no. There has been no construction on Lot 1 as yet. Lot 2 is a single family home. This property is in a Rural B zone. It meets the 20,000 sq. ft. so a single family home can be built on both Lot 1 and Lot 2 together. In this particular case, I'm going to add a little more detail.

I'll give you a set of plans. We show the in-law coming in here. The entranceway shows on the front of the plans. It comes into the family room and the kitchen area. There's a staircase that goes upstairs. There's one bedroom upstairs with a study and things of that nature. There are also ground level living areas. I only have one set of big plans. I didn't want to just dump it on the table and have you walk through it. So, you can have that as well and I'll pass that through.

Mr. Gordon: So, this lot hasn't been disturbed?

Atty. St. Pierre: No.

Mr. Gordon: The lot that's disturbed is Lot 2?

Atty. St. Pierre: Lot 2 is the disturbed lot that's being built upon.

Mr. Gordon: Okay.

Atty. St. Pierre: Ron's clients are David and April Walling. Ron's building the house for April's brother on Lot 2 so it's kind of a family compound, if you will.

Mr. Salerno: Wait a minute. Go back over that slowly.

Atty. St. Pierre: Okay.

Mr. Salerno: Lot 2 is who?

Atty. St. Pierre: David Favre, who is April's brother. David and April Walling are the ones that we're dealing with on Lot 1 on a contract to build them a house, subject to getting the approval from the board.

The in-law apartment is going to be used by April's parents, David and Elaine Favre. They, basically, are residents of Florida for the winter. This will be used for them on a part time basis when they come back from Florida. So, it's really not a full-time use of the property, but it is going to be used for them as an in-law apartment.

You'll see from the plot plan, again, as I said, the majority of the building or the in-law apartment sits in Boylston with the house coming into Shrewsbury. Again, as I said, it is an allowed use in Boylston. Again, the special permit is required only for Shrewsbury.

Mr. Salerno: What is the allowed use in Boylston?

Atty. St. Pierre: The in-law apartment. That's allowed as a matter-of-right. You do not need a special permit. So, again, the only special permit is really for the small area that sits in Shrewsbury. It meets all other zoning requirements but for the in-law use which we need the special permit for.

I know that there's an issue that's been raised about the traffic on Colonial Drive and Route 140. On Lot 2, I believe there is a utility easement that will probably end up servicing that traffic light later if it does occur. So, we are aware of that. That is on Lot 2. Again, this will have absolutely no impact on the neighborhood. We're asking to have two more people sleep in the house, built in babysitters with the two Favre children next door, if you will. Again, the Favres are aware of the restriction as far as the in-law use. They know that it can't go out for rental unless it's somebody that's going to stay in the family. Again, they're here if you have any questions of either David or his parents or Ron.

Mr. George: Rod, you said that the lot is 20,000 sq. ft.?

Atty. St. Pierre: It's a little over it. On the site plan, it's 20,073 sq. ft. It's a little over that. It's on this plan here. You'll see on the site plan it's 20,073 sq. ft. Lot 2, just to show you as well, is 21,000. There's the utility easement here.

Mr. George: How much road frontage do you have on that lot?

Atty. St. Pierre: I know that it's over 125 ft. I'm not sure on the frontage. Is it on Lot 1 or Lot 2?

Mr. George: Lot 1.

Atty. St. Pierre: Lot 1, the one we're dealing with. I know that we have more than 125. We have 95 and 78 so you got what, 173 for the frontage?

Mr. Salerno: Who owns Lot 3?

Mr. Aspro: I do. It's exclusively in the Town of Boylston.

Mr. Salerno: What's going on Lot 3?

Mr. Aspro: Nothing and there isn't anything planned in the immediate future either.

Atty. St. Pierre: These are pictures of the utility easement so that you can see what is there. Again, that would assist in any traffic issue. They might go with that particular location. I know the concern was addressed.

Mr. George: Is this house going to be tied into sewer or septic?

Atty. St. Pierre: It's on town water and sewer.

Mr. Salerno: In Shrewsbury?

Atty. St. Pierre: Yes.

Mr. Gordon: What about the Boylston portion?

Atty. St. Pierre: It's all tied into one system.

Mr. Gordon: Okay. That will be allowed? Did you check with the board of health or sewer commissioner?

Atty. St. Pierre: I'm sure Ron dealt with this as far as his permit.

Mr. Gordon: I would check with the sewer commissioner.

Atty. St. Pierre: Even though the majority of the house is in Shrewsbury?

Mr. Gordon: I still would check with the sewer commissioner.

Atty. St. Pierre: I just thought that he would be able to connect as a matter of right where the basic structure is all in Shrewsbury.

Mr. Gordon: I don't know.

Atty. St. Pierre: I understand, but that's a good point.

Mr. Gordon: I'm not a lawyer and I didn't stay at a Holiday Inn Express last night either.

Atty. St. Pierre: But, I just assumed that with a house in Shrewsbury, that would suffice.

Mr. Gordon: I don't know. There are funny things going on. I would look at that.

I just want to inquire why you might not want to put the driveway onto Colonial Drive as opposed to Route 140?

Mr. Aspro: It's a little easier to get onto Boylston Street than it is Colonial Drive.

Mr. Gordon: When I went out to look at it Friday, there was a nice big fender bender right there, right in front of the house.

Mr. Salerno: Are you suggesting that the driveway come up onto Colonial rather than onto Boylston?

Mr. Gordon: Well, I'm inquiring, I'm not suggesting.

Atty. St. Pierre: We don't have any frontage for Lot 1 onto Route 140. The only frontage is on Colonial and Boylston Street.

Mr. Gordon: Okay.

Atty. St. Pierre: Right?

Mr. Aspero: No. We do have frontage on Colonial.

Atty. St. Pierre: On Colonial, but not Route 140.

Mr. Aspro: But, it would be dangerous to put a driveway out to there.

Mr. Salerno: Yes. Mel said Route 140 but I think he meant Colonial Drive.

Atty. St. Pierre: Colonial Drive?

Mr. Gordon: I meant Colonial.

Atty. St. Pierre: I think that with the entrance to Lot 2 on Colonial, it's just easier to bring it around the corner and have it come in on Boylston Street. You've got the stop sign there.

Mr. George: It's probably safer.

Atty. St. Pierre: Yes, it's probably a lot safer, honestly.

Mr. Aspro: That's what the intent was.

Atty. St. Pierre: I guess, again, there is a stop sign right there.

Mr. George: A lot of people don't stop at that sign.

Mr. Gordon: I know. Is there a driveway? There's a driveway going to the in-law apartment?

Atty. St. Pierre: Yes.

Mr. Gordon: Is there a garage back there?

Atty. St. Pierre: Yes. It's underneath.

Mr. Gordon: Underneath the in-law apartment? So, basically, there are two garages, one for the house and one for the in-law apartment?

Atty. St. Pierre: Right. That's why we have one entranceway coming in here. We're not coming in with separate driveways. We are coming in with the one driveway and looping it around to the back garage.

Mr. Salerno: If this house were just repositioned on the lot, it looks like only by a couple of feet, the entire in-law apartment would be over on the Boylston side of the line, which you say that you can put it in by right?

Atty. St. Pierre: Right.

Mr. Salerno: Would he still need a permit from us if no portion of the in-law apartment was in Shrewsbury.

Mr. Alarie: We can only regulate what happens on the Shrewsbury side of the line.

Mr. Salerno: Right.

Atty. St. Pierre: I don't think that we'd meet the setbacks to be honest with you.

Mr. Salerno: How much of that corner of that in-law apartment's on the Shrewsbury side? It looks like 2 ft.

Atty. St. Pierre: Yes, but I think 30 ft. is the minimum setback on that side yard.

Mr. Salerno: So, you're at that?

Atty. St. Pierre: Right.

Mr. Salerno: But, you own Lot 1?

Atty. St. Pierre: Yes.

Mr. Salerno: Lot 3 looks like it's got a lot of room. Why couldn't you just redesign the lot line between Lot 1 and Lot 3 so that the whole thing fits on the Boylston side?

Atty. St. Pierre: Probably because of the minimum for Boylston, I think, was the reason that the engineer did it that particular way. I'm not sure of the size of Lot 3, but I know that the engineer needed to lay it out that way.

Mr. Salerno: Well, on this plan it's almost as big as the other two.

Mr. Aspro: The lot requirement in Boylston is 200,000 sq. ft.

Atty. St. Pierre: I think the engineer maxed it out as close as he could actually get. It's Corner Stone Engineering. We've used them quite a bit.

Mr. Salerno: All right. The house is being built for these people with the stipulation of the in-law apartment?

Atty. St. Pierre: Yes. We haven't started yet. That's correct. Again, we could build a single family home. Again, with April's brother right next door and the fact that they've got built in babysitters for both families, that's part of the reason why they would like to go the way that we are with the in-law.

Mr. Salerno: Well, it means that corner puts it into our control and subject to the in-law limitations of Shrewsbury.

Atty. St. Pierre: We have no problem with that.

Mr. Salerno: Do any board members have questions?

Mr. Gordon: I asked mine. I just think you ought to ask about the sewers.

Atty. St. Pierre: Yes, we will check that out. I thought that because the house was physically sitting in Shrewsbury, that would be fine because we have other areas of town where there are conditions similar to this. In this environment, you're right and we should really check this out.

Mr. Salerno: Is there anyone in attendance who would like to comment on this petition? Would you just identify yourself for the record?

Mr. Linell: Yes, my name's Ken Linell. I'm a Boylston resident. I'm kitty corner across School Street, actually, which goes into Colonial Drive from the construction area. I would like to know the orientation of this house, which is on Lot 1 I guess. Where does the house face?

Mr. Aspro: The front of the house will be facing Bob Cole's house.

Mr. Linell: So, that will be facing us?

Mr. Aspro: Yes, Boylston Street.

Mr. Linell: Boylston Street or School Street?

Atty. St. Pierre: Well, both. It's School Street and Boylston Street. It's Boylston Street in Shrewsbury and at the Shrewsbury line it switches over to School Street.

Mr. Linell: Okay. Facing east?

Mr. Aspro: Correct.

Mr. Linell: The driveway is still going to be on Colonial Drive?

Atty. St. Pierre: No, the driveway is going to be on Boylston Street or School Street.

Mr. Linell: Oh, it will?

Atty. St. Pierre: Yes.

Mr. Salerno: It might help you if you put this plan with the other.

Atty. St. Pierre: This is probably a little bit better plan. This is the layout.

Mr. Aspro: I think that the driveway will be facing your house.

Mr. Linell: Good luck with it.

Mr. Salerno: Are your questions answered sir?

Mr. Linell: I guess pretty much. My next question will be what happens with Lot 3 because that is across the street from me but we'll have to wait for that.

Mr. Salerno: We've already asked that and Mr. Aspro said that he has no plans at this time.

Mr. Linell: Right. Thank you.

Mr. Salerno: Okay. Does anybody else want to comment on this petition? Sir, just identify yourself for the record.

Mr. Christopher: Peter Christopher, 408 Boylston Street, diagonally across from the property being considered.

Mr. Salerno: Is that the brownish colored house?

Mr. Christopher: Yes. I think everybody should be aware that a lot of accidents happen in that particular area. There have been deaths there. Over a period of time, I couldn't count the number of accidents there so I have concerns of people living there, trying to live there and trying to exit onto Boylston Street and keep things safe. I'm just concerned for the safety of the people in the area.

Mr. Salerno: Well, thank you for taking the time to come here and express that. It's our understanding that they're buildable lots so the houses are going to be constructed on them, but you're right. An in-law apartment does add an additional vehicle potentially and there should be some concern over that.

Atty. St. Pierre: Again, there are turnarounds on the driveways, you'll note, both for the in-law and backing out of the main garage so there should not be any backing onto Boylston Street, if you will.

Mr. Salerno: Were you able to see that on the plans, sir, the loop in the driveway?

Atty. St. Pierre: I don't think that the smaller plan has the loop. You can have this. It will show you where the loop in the driveway is just to give you an idea where the in-law apartment is as far as the turnaround is plus the driveway coming in off of Boylston Street. You can keep those if you want. I'll get them for Ron tomorrow if you need them to put into the record as far as the type of house that's being built.

Mr. Salerno: Does that satisfy your inquiry, sir?

Mr. Christopher: Yes, thank you.

Mr. Salerno: Okay. Seeing no further comment, we'll take the matter under advisement and notify you of our decision.

Decision

On April 19, 2005, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Shrewsbury Homes, Inc., 29 Pendell Circle, Boylston, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the occupancy of a portion of a single family dwelling to be constructed upon property located at 411 Boylston Street as an in-law apartment.

The subject property is a newly created lot situated at the northeast corner of Boylston Street and Colonial Drive and is bisected by the Shrewsbury/Boylston town line. The appellant proposes to construct a single family dwelling upon this parcel that will include an in-law apartment attached to the northerly side of the structure. Less than 25 sq. ft. of the in-law apartment would be located on the Shrewsbury portion of the lot with the balance, as represented to the board, a permitted by-right use within the Town of Boylston.

Upon review of this appeal, the board found the proposed development of this property to be in compliance with all applicable dimensional requirements set forth in Table II of the Zoning Bylaw and that its proposed use was in harmony with the intent of the bylaw in permitting such accessory living accommodations within or attached to a single family dwelling. They noted that this parcel is very unique in its configuration and that, with only a very small portion of the apartment located within Shrewsbury, the primarily use of the parcel would be for single family use. It was their opinion that issuance of the special permit and the occupancy of the in-law apartment would not create any condition which would adversely impact the welfare of area residents and, therefore, unanimously voted to grant the appeal as presented to the board subject to the restriction that the apartment shall only be occupied by three or less individuals, all of whom shall be related to the principal residents of the subject premises.

Vote

Mr. Salerno

Yes

Mr. George	Yes
Mr. Gordon	Yes
Mr. Collins	Yes
Mr. Schaetzke	Yes

PUBLIC HEARING: Mark R. Warren, 26 Saturn Drive, Shrewsbury, MA.

PURPOSE: To hear the appeal of Mark R. Warren, 8 Arrowsic Street, Worcester, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, and a variance to Section VII, Table II, Minimum Front Yard Requirement, Residence B-1 District, to allow the construction of a second story addition and an attached garage upon property located at 26 Saturn Drive maintaining the existing setbacks of said property and to allow said construction within 8 ft. of the westerly sideline of Mercury Drive. The subject premises is described on the Shrewsbury Assessor's Tax Plate 16 as Plot 101.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Peter D. Collins, Dale W. Schaetzke and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 4, 2005 and April 11, 2005.

Mr. Salerno: Please identify yourself for the record and make your presentation.

Mr. Warren: My name is Mark Warren. I presently live at 8 Arrowsic Street in Worcester.

The house is presently owned by my mother. What I would be doing is taking over the house and making it livable for her and my family. She is a widow and is ill. She can't work. Six other houses in the neighborhood have added second levels and gone from a ranch to a colonial of similar construction and, at the same time, extended the first floor a little longer and a little bit wider or deeper, I should say. The variance was to add a second car garage and to build above it and to also extend the two bedrooms on that side of the house.

Mr. Salerno: This is also a corner lot?

Mr. Warren: Yes.

Mr. Salerno: Do you have any plans sir or diagrams of what the exterior is going to look like?

Mr. Warren: No, I've just done the plot plan work. I have an architect working on the plan right now.

Mr. Gordon: What type of house is it going to be? It's a split level now, correct?

Mr. Warren: No, it's not. It's a ranch. It's odd. It's a ranch with a second floor on the right-hand side that has three bedrooms above it, but it doesn't split. You walk in like a regular ranch with a living room, dining room and kitchen and then there's a set of stairs to go up.

Mr. Gordon: So, there's a second floor?

Mr. Warren: On the right-hand side of the house, yes. The left-hand side of the house is just one level.

Mr. Gordon: So, if you get your special permit, it will be a second story for the entire house?

Mr. Warren: Yes.

Mr. Gordon: It will be a garrison after that like the other ones in the neighborhood?

Mr. Warren: Yes.

Mr. Gordon: Similar to the one on the corner of Aspen, which is the worst street in town. Remember that one? It goes down very sharply off of Mercury?

Mr. Warren: Okay.

Mr. Gordon: It's right on the corner. It's one that we had last year. It's a colonial that's been done.

Mr. Warren: There are two homes earlier on Saturn Drive that were build more recently, probably within the last ten years.

Mr. Gordon: Okay, down below. Okay, so it will be that type of garrison?

Mr. Warren: Yes.

Mr. Alarie: I don't think that it would be a garrison.

Mr. Gordon: No?

Mr. Alarie: A garrison would denote an overhang at the front. This is just a straight front, going up straight at the front?

Mr. Warren: Yes. It was my mistake. It will not have an overhang.

Mr. Gordon: It will just go straight up?

Mr. Salerno: Will it have an overhang?

Mr. Warren: No. That was my misunderstanding. I'm sorry.

Mr. Gordon: You'll have how many bedrooms on the second floor?

Mr. Warren: Presently, there are three. We'll add a fourth bedroom.

Mr. Gordon: Where will the in-law apartment be?

Mr. Warren: It's not going to be an in-law apartment. Basically, we're just making the house larger. I'm not adding a separate living area or a separate kitchen.

Mr. Gordon: Okay. So, your mother will be living in one of the bedrooms?

Mr. Warren: Yes.

Mr. Gordon: And you will all be in the rest of the house?

Mr. Warren: Yes.

Mr. Gordon: Okay. All right.

Mr. Warren: Basically, on the second floor, I'll be adding a master bedroom for my wife and myself. The other bedrooms would be for our children and my mother.

Mr. Salerno: You've got it noted as a second garage. Are you going to maintain two garages?

Mr. Warren: Presently, there's one. I wanted to add a second one. I would say yes, it will be a 2-car garage. There are two bedrooms that sit above that garage. I would just extend it over those bedrooms.

Mr. Salerno: And you will put the garage under that?

Mr. Warren: Yes.

Mr. Salerno: Sometimes it's difficult for us to visualize what you're doing. We know that you know what you're doing, but without a set of plans or at least diagrams of what the exterior is going to look like, it makes it a little difficult for us to understand exactly what you are proposing. That would certainly affect our decision. Is it something that blends in with the keeping of the neighborhood?

Mr. Warren: Yes, it will be very similar to the other homes that were recently done.

Mr. Gordon: I asked Mr. Alarie if your second garage is going to go in the same way as the first one?

Mr. Warren: Yes.

Mr. Gordon: I inquired of Mr. Alarie about what you were doing with that wall, the 2 ft. that go toward the door. He told me that that's not going to change. So, are you going to

cut the cement so that you can get from one garage to the other? How are you going to get between garages?

Mr. Warren: The existing foundation?

Mr. Gordon: Yes.

Mr. Warren: Yes, I'll have that as it gets poured and they support it structurally, they will cut into that.

Mr. Gordon: They will cut the cement?

Mr. Warren: Yes.

Mr. Gordon: Okay.

Mr. Salerno: Do any board members have questions? Is there anyone in attendance who would like to comment on this petition? Seeing no further comment, we'll take the matter under advisement and notify you of our decision.

Decision

On April 19, 2005, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Mark R. Warren, 8 Arrowsic Street, Worcester, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, and a variance to Section VII, Table II, Minimum Front Yard Requirement, Residence B-1 District, to allow the construction of a second story addition and an attached garage upon property located at 26 Saturn Drive maintaining the existing setbacks of said property and to allow said construction within 8 ft. of the westerly sideline of Mercury Drive.

The subject premises is located at the corner of Saturn Drive and Mercury Drive and currently has nonconforming front yard setbacks from each street. Mr. Warren's mother currently resides in the single family home situated upon this property. Part of the structure is a single story and part of it has a second level which is partially above an attached single car garage. Mr. Warren proposes to extend the side of the structure towards Mercury Drive and to add a full second story above the entire dwelling. He, his family and his mother will reside within the entire structure as a single housekeeping unit.

With respect to the request for the variance to reduce the existing front yard setback from Mercury Drive, the board found that, due to the siting of the existing structure upon this lot and its corner lot configuration, the literal application of the minimum terms of the Zoning Bylaw would impose a substantial hardship to the appellant. It was their opinion that the reduction of the existing setback by approximately 12 ft. would not significantly derogate from either the intent or the purpose of the bylaw. Similarly, they found that the construction of the proposed second floor over the entire length of the structure would not materially change its nonconforming configuration or adversely impact the welfare of area residents. They noted that several homes within this neighborhood have recently

been expanded, many of which included the installation of a second story, and found the expansion of these existing structures to be a significant benefit to the individual owners as well as the neighborhood as a whole. It was their opinion that the alterations proposed by Mr. Warren were in harmony with the intent of the bylaw and that the completed structure would be compatible with the general character of many of the other homes along Mercury Drive and Saturn Drive. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Collins	Yes
Mr. Schaetzke	Yes

PUBLIC HEARING: Paul Panarelli, 4 Ashwood Circle, Shrewsbury, MA

PURPOSE: To hear the appeal of Paul Panarelli, 4 Ashwood Circle, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an inground swimming pool 10 ft. from the side lot lines of property located at 4 Ashwood Circle. The subject premises is described on the Shrewsbury Assessor's Tax Plate 5 as Plot 8-24.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Peter D. Collins, Dale W. Schaetzke and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 4, 2005 and April 11, 2005.

Mr. Salerno: Please identify yourself for the record and make your presentation.

Mr. Panarelli: Paul Panarelli, 4 Ashwood Circle. What we're looking to do is just install a 16 ft. by 32 ft. pool.

It's going to encroach on the back line. Mr. Anderson's house is actually being built right now 10 ft. away on the next lot. On the other side where it shows Hepsell and Mlynarczyk, it's going to be 21 ft. off of that boundary. So, the 10 ft. is coming off of the Anderson side. I think that the old plan that you have might say it differently, the one that you have in front of you. I do have copies of the second proposal

(Mr. Panarelli presented the new proposal to the board members.)

Mr. Gordon: It's still facing the same way though, right?

Mr. Panarelli: It's just swung a little differently so I'll really only be encroaching on one side.

Mr. George: There's no way of you bringing that pool closer to the house?

Mr. Panarelli: We could if we had to, but we would be walking out the back steps into the pool.

Mr. Gordon: My inquiry is, did you consider turning it ninety degrees?

Mr. Panarelli: At what angle, sir?

Mr. Gordon: The way so that the narrow end was toward your house. Did you consider that at all?

Mr. Panarelli: No, actually. If you could show me what you mean?

Mr. Gordon: I mean moving it this way.

Mr. Panarelli: We're trying to keep as much back yard as we can. That's why we wanted to try to keep it to the right side.

Mr. Gordon: Okay. I see that you're on the sunny side of the house so that will be nice.

Mr. Salerno: How was this advertised Ron?

Mr. Alarie: I believe it was to allow the construction 10 ft. from both of the sidelines. Yes, it says "10 ft. from the side lot lines of property."

Mr. Salerno: And that's changed?

Mr. Alarie: It's has a conforming setback from the northerly side lot line. He's now looking for just 10 ft. from the westerly side lot line.

Mr. Salerno: So, it's gone from a request for two side lot lines to one?

Mr. Alarie: Correct.

Mr. Salerno: The way that it's positioned on this?

Mr. Alarie: On the revised plan, it conforms, again, to one setback but is deficient on the westerly side.

Mr. Salerno: Which would be the side that, what, abuts Hepsell?

Mr. Gordon: No, Anderson.

Mr. Alarie: It shows as Lot 41.

Mr. Salerno: Lot 41?

Mr. Panarelli: It's a vacant lot. Well, there's a home being constructed on it. I did speak with Steve Anderson about that. He's the owner of that land and I told him what our plan was to do over here.

Mr. Salerno: So, it sits squarely now with the house? What you're suggesting, Mel, is that if it was moved this way, that a variance would not be needed?

Mr. Gordon: If it was turned 90 degrees.

Mr. Salerno: If that corner was brought in just a little bit here?

Mr. Gordon: He wouldn't need anything. But, I can understand wanting to have more green space. I don't have a problem.

Mr. George: What type of fencing are you proposing?

Mr. Panarelli: Around the backside we'll be putting up 6 ft. stockade.

Mr. Salerno: Where will that end?

Mr. Panarelli: It will go all the way around the house up until the left corner of the house.

Mr. George: The rear corner?

Mr. Panarelli: No, the front corner.

Mr. George: The front corner?

Mr. Panarelli: There's a stonewall built there. At that point, there will be a wrought iron fence into the home.

Mr. Alarie: If I remember correctly from doing the inspections on your home, the back yard slopes towards the houses on Deerfield Road?

Mr. Panarelli: No, we raised it up.

Mr. Gordon: It's above it now?

Mr. Panarelli: It's above it. It's flat now.

Mr. Gordon: So, the house that Anderson's building will have a stockade fence on that side?

Mr. Panarelli: Both sides and also the other people on Deerfield will have a stockade fence coming down that side and then turning into the house.

Mr. Gordon: The stockade fence for the Deerfield people will be above them though, right?

Mr. Panarelli: Yes.

Mr. Salerno: Is there anyone in attendance who would like to comment on this petition? Seeing no further comment, we'll take the matter under advisement and notify you of our decision.

Decision

On April 19, 2005, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Paul Panarelli, 4 Ashwood Circle, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an inground swimming pool 10 ft. from the side lot lines of property located at 4 Ashwood Circle.

The board reviewed Mr. Panarelli's revised proposal to install an inground swimming pool within the rear corner of their property that would be situated 10 ft. from their westerly side lot line and found that, due to the shape of their lot, the literal application of the applicable terms of the Zoning Bylaw would impose a substantial hardship to the appellant. They noted that the parcel is pie-shaped and that this configuration significantly diminishes the available envelope in which to site an inground pool in conformance with the minimum setback of 20 ft. from each of the respective side lot lines. It was their opinion that the reduction of the setback from one of the lot lines to 10 ft. would not seriously depart from the intent of the bylaw or create any condition which would adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the revised appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Collins	Yes
Mr. Schaetzke	Yes

PUBLIC HEARING: Nam Tau, 25 Edgewater Ave., Shrewsbury, MA

PURPOSE: To hear the appeal of Nam Tau, 25 Edgewater Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the re-construction and expansion of a portion of the single family dwelling situated upon property located at 25 Edgewater Ave. maintaining the existing setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 32 as Plot 407.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Peter D. Collins, Dale W. Schaetzke and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 4, 2005 and April 11, 2005.

Mr. Salerno: Please identify yourself for the record and make your presentation.

Mr. Lee: My name is John Lee.

Mr. Salerno: Just keep your voice up sir.

Mr. Lee: My name is John Lee, the designer.

Mr. Tau: I'm Nam Tau, the owner of the property.

Mr. Lee: When I was asked to come over and do the addition to the existing house, I was completely aware of the setback and the code requirement. The reason that we're here tonight is that we are asking for a special permit to add a little section right next to the neighbor as shown on the site plan. The owner tried to utilize the second floor right above that so we want to raise the roof up a little bit. We are aware that it's impossible to do it. We are trying to improve the house and the living space so we are asking for a permit to do that.

Mr. Salerno: Could you give us a little more detail on what it is that you're going to do?

Mr. Lee: The addition is 20 ft. by 40 ft., 10 ft. away from the property line. The remaining portion, that is existing, the lower roof so we are trying to go up to the second floor on top of that.

Mr. George: Is that going to be tied into the garage?

Mr. Lee: Yes.

Mr. George: How far over to the side of the property will that go?

Mr. Lee: Well, actually, the hatch is the portion that is existing. We are trying to go up to the second floor on top of that.

Mr. Salerno: Could you perhaps, in these photographs, show us where it is.

Mr. Lee: Yes.

Mr. Salerno: Are you talking about putting a second floor above this?

Mr. Lee: We are trying to put a second floor on the whole back. This is existing and we are trying to raise this roof up. The structure here, by the time we demo the kitchen this portion, the roof and the wall, are pretty bad. The foundation wall is going to remain.

The only thing we are asking for is to come up, come in with a new wood stud and come up to the second floor.

Mr. George: On this side of the house? That's only about three or four feet off the next door neighbor's house.

Mr. Lee: That's why we're here. The 20 ft. by 40 ft. addition is within code.

Mr. Salerno: So, again, here, you want to put a roof on that?

Mr. Lee: Yes.

Mr. Salerno: Are you going to bring it forward or say there?

Mr. Lee: Just remain, that is existing.

Mr. Salerno: So, you're not going to get any closer to your neighbor's house?

Mr. Lee: No.

Mr. Salerno: You're just going up vertically?

Mr. Lee: Right. The structure right now is not really good. While we're coming with the addition at the same time we're going to improve that wall that goes up with a new stud.

Mr. Gordon: Mr. Salerno, Ms. Towner, although she's not voting, would like to disclose that she lives on Naples Street. She's not an abutter, but she's a neighborhood person. Just so that there are no secrets.

I have some questions, if I could?

Mr. Salerno: Go ahead Mr. Gordon.

Mr. Gordon: The little room that you have which is on, I'd guess you'd say, the south side of your house, the little yellow one-story thing that you want to make two stories, do you have a washing machine or anything in there?

Mr. Lee: Right now it's a mechanical room.

Mr. Gordon: Then why, when I went over to visit, was the land between the back of that and your next door neighbor's house filled with soapy water if there's no???

Mr. Lee: Yes, right now, I'm sorry; there is a washer and dryer.

Mr. Gordon: It drains into the yard?

Mr. Lee: There's a bathroom and a washer and a dryer.

Mr. Gordon: Well, which one drains into the yard, the washer and dryer or the bathroom?

Mr. Lee: It's going into the drain.

Mr. Gordon: Well, there were about four or five inches of water when I went there last Friday. It was soapy water. Is it coming from the bathroom or is it coming from the washing machine?

Mr. Lee: Honestly, I wasn't aware of that.

Mr. Gordon: That's a problem. Now you want to put a second story on top of it and tie another bathroom into it. So, are we going to have more water?

Mr. Lee: It should be better drainage once we come up with the second floor.

Mr. Gordon: This is how many feet from your neighbor's line?

Mr. Lee: I would say about 6 to 8 ft.

Mr. Gordon: The fence is only about 3 ft.

Mr. Lee: I mean from the house to the neighbor's house.

Mr. Gordon: No, I'm talking about the fence on the property line.

Mr. Lee: It's 3 to 4 ft.

Mr. Gordon: The property line is 3 ft.?

Mr. Lee: The property line to the existing portion is about 3 ft.

Mr. Gordon: Okay. So, 3 ft. and you want to put a second story on. How would you build a second story, put a ladder on your neighbor's land? I'm concerned that you don't have enough room there to build anything without infringing upon your neighbor's quiet enjoyment. In fact, if you're building something new, I just wonder if the bathroom can't be somewhere else and that can be torn down. That would be my thought. Then your neighbor would have probably the 10 ft. between his house and your house which would, to me, seem more comfortable. That's just one of my concerns. I would like you to address that if you would.

Mr. Lee: Right now, at that right next to the neighbor, it's a mechanical room. We are trying to be cost effective. We are trying not to do anything to that that would cost a lot more money.

Mr. Gordon: Yes, I know. I understand that, but you see, one of the problems that we have, and it's a lousy thing to say, but money's not our concern. Trying to do the right

thing is our concern. You've come to us asking for us to give you a special permit. Is it correct to give you a special permit and reduce your neighbor's, I'll say, quiet enjoyment by putting a second story there when you already have a problem there. I don't know if you've given it enough though.

Mr. Alarie: Mr. Gordon, when Mr. Lee came to me to discuss that he said that the building was not in good condition and was trying to come up with some ways to work around the structure to try to improve it without taking it all down. I suggested to him that if it was in that poor a shape that perhaps his best interest would be to come before the board and ask to at least allow them to remove that single story portion of the building, and reconstruct it so that it is in a safe and sound shape. The house on the adjoining property is even closer to the property line than his house. But, I think that emphasis at the beginning was to at least try to reconstruct that so that it's now in better condition. If you could see the addition off to the back of the house the ceiling height on that is very, very low and it has a very poorly pitched roof.

Mr. Gordon: Less than 6 ft, but that's another issue that I was going to get to soon, okay? I still have a problem on the mechanical room.

Mr. Alarie: I can only suggest to you that if there is any issue with the discharge from whatever utility within that house that we will get that corrected. That should be discharged into the sanitary waste system and that would be addressed.

Mr. Gordon: All right. So, you're suggesting that this could be rebuilt in a better manner. Is that what you're suggesting?

Mr. Alarie: Oh, I think that physically it's possible to do that.

Mr. Gordon: You're suggesting that it go up two stories?

Mr. Alarie: No, I'm not suggesting that, but at least the single story portion of it could be rebuilt so that it's in better condition than what exists there now.

Mr. Gordon: So, what exists now can be rebuilt so that it's in better shape than it is now?

Mr. Alarie: Correct.

Mr. Gordon: Is that what you're saying?

Mr. Alarie: He asked about taking down portions of walls, replacing them in different points and times, replacing the roof at a different portion. I suggested that the better way would be to approach the board to see whether or not that area could be removed and replaced. Initially, I thought that it was in kind.

Mr. Salerno: Ron, I'm sorry, how does he get around the chimney that's there? I mean, the addition is going to be built between the chimney and the street, that section of the home?

Mr. Alarie: No, just that L portion or that jog on the right-hand side of the building is my understanding is the portion that is going to be replaced.

Mr. Salerno: Right here?

Mr. Alarie: Yes.

Mr. Gordon: But, that's not going to be made any larger?

Mr. Alarie: Again, I wasn't sure.

Mr. George: He just said that he wanted to go up another story.

Mr. Alarie: Yes. I wasn't sure of the second story. I thought it was to replace that and to rebuild that portion there.

Mr. Gordon: But, not to enlarge it?

Mr. Alarie: No, the major expansion is off to the rear of the existing house.

Mr. Gordon: We'll get to that in a little bit, okay?

Mr. Alarie: They're taking down that portion of the structure and replacing that, tying that into the detached garage.

Mr. Gordon: If you're going to have a second story bathroom, okay, and you're not going to allow this thing to go up to a second story, where's the second story bathroom going to go or is it not going to go?

Mr. Lee: Are you asking me?

Mr. Gordon: I'm asking you, yes. If you don't build this up and you said the second story of this was going to be a bathroom, if it isn't built up, where is that bathroom going to go?

Mr. Salerno: He's not going to have one.

Mr. Lee: Within the 20 by 40 addition.

Mr. Gordon: It will go within the addition. If that's the case, why can't the bathrooms be one above the other in the existing house and the addition and that come down so that the bathrooms would be inside in the existing structure and the existing structure be squared off? That would make me a little more comfortable when we get to the back and the other side.

Mr. George: Then you would eliminate that little structure on the side.

Mr. Gordon: Eliminate this little structure which I have an awful lot of concerns about.

Mr. George: Right.

Mr. Alarie: The addition to the rear of the existing house, the replacement there is going to be constructed in conformance with setbacks. He would not be here other than that section along the side lot line.

Mr. Gordon: Okay, so that's going to have a second story on it also, right, the rear?

Mr. Alarie: The part to the rear? I haven't seen a complete set of plans on it. I can't answer that.

Mr. Gordon: That's going to have a second story?

Mr. Lee: Yes.

Mr. Gordon: Well, if there's going to be a bathroom up there, why can't the bathroom underneath it be in the existing structure because it looks like no matter what you do here you've got an awful lot of work to do in the back?

Mr. Lee: The existing bathroom is in the tall portion. This building was built in 1922.

Mr. Gordon: Okay, on the second story now there's an existing bathroom?

Mr. Lee: There's a new bathroom.

Mr. Gordon: There's a new bathroom. It's not tied into the bathroom in the addition?

Mr. Lee: No.

Mr. Gordon: Okay. Why can't a bathroom be built under the one that's in the new house at the same time that you're doing all the work?

Mr. Lee: Can you say that again?

Mr. Gordon: Well, you say that on the second story of the existing house there's a toilet, a full bathroom, a half a bathroom or whatever it is. Is that correct?

Mr. Lee: Yes.

Mr. Gordon: Okay. Is there a bathroom on the first story in the house?

Mr. Lee: Yes.

Mr. Gordon: In the house in addition to the one on the side?

Mr. Lee: Yes.

Mr. Gordon: Okay. So, why can't the washroom in that be inside the house? Why does this other bathroom have to be off to the side?

Mr. Lee: Because of the floor difference.

Mr. Gordon: I don't understand?

Mr. Lee: I can't put the new bathroom... I can't tie the new bathroom to the existing bathroom.

Mr. Gordon: You cannot tie the...

Mr. Lee: In the existing house, the floor height is different from the addition.

Mr. Gordon: The floor height is different from the addition. I don't understand but maybe Mr. Alarie does.

Mr. Alarie: I think that if you have to go on sheet A-3, Mr. Gordon, you can see that cross section there. There's a difference in the floor elevation.

Mr. George: that's the cellar.

Mr. Gordon: A-3, A-31, A-3. Okay.

Mr. Alarie: Compare that with the photos at the beginning. You can see that it's really not a full two stories the way that roof line will come in below the roofline of the existing house.

Mr. Gordon: Yes, but that's if the mechanical room is left.

Mr. Alarie: Right.

Mr. Gordon: If the mechanical room is not left then the house is all a first story and a second story. That's what I'm saying. Where is the bathroom?

Mr. Alarie: Well, it's basically a basement and one story.

Mr. Gordon: All right. So, the first level is the basement level?

Mr. Alarie: The basement level, correct.

Mr. Gordon: So, you walk into the house in the basement level?

Mr. Alarie: Correct.

Mr. Gordon: Okay.

Mr. Lee: When I say second floor, the cellar is high because it is a slab on grade. This house is a slab on grade. Once you open the door there is the basement.

Mr. Salerno: It sounds like a split entry and then you go up several steps and there's a landing.

Mr. Lee: Well, it doesn't. Once you open the door that is a basement. So, when you hear second floor it's high but technically, it is low. It's not that high. The only reason we are here, like I said again, is we are asking for a permit to raise and rebuild the new wall sitting on an existing foundation and go up about 6 or 7 ft. higher than the existing roof. If you look at A-3, section A-3, that roof there is how low it is.

Mr. George: If you come here for one second I just want to point something out on this plan and you tell me if you want to go up on this section here. Do you want to add onto this section going up?

Mr. Lee: Yes.

Mr. Salerno: This is what you see.

Mr. George: Right.

Mr. Salerno: He wants to add a second floor

Mr. Gordon: So, he wants to put a second floor on.

Mr. Lee: The roof used to be right here, the existing roof.

Mr. George: right.

Mr. Gordon: On top of this.

Mr. Lee: It is bad right here. It's really bad. This is existing. We only want to go up to about 6 ft. 8 in.

Mr. George: There's no foundation underneath this here?

Mr. Lee: There is a foundation.

Mr. George: There is a foundation?

Mr. Lee: Existing.

Mr. Salerno: Is it a slab or a foundation?

Mr. Lee: I'm sorry; a concrete slab.

Mr. Salerno: You'll reinforce the outside wall and go just go up.

Mr. George: Up to here?

Mr. Lee: Up to right here.

Mr. George: Well, you're not coming right to here? That's the height.

Mr. Lee: No, right here. We want to stay within the frame of the existing walls.

Mr. George: So, you'll be blocking in the chimney?

Mr. Lee: Wrap around the chimney.

Mr. George: He wants it done right, I know, and he's going to do the whole back of the house too.

Mr. Gordon: Mr. Chairman, I have a problem with this for the reason that I don't want to see increased nonconformity in an area where we're affecting a next door neighbor.

Mr. Salerno: Well, we'll see if the neighbor's here. Is there somebody here this evening that wants to comment on this petition?

Mr. Gordon: Especially since we've got two other bathrooms in the house, okay, and they're inside the structure. Now we're going to have four bathrooms.

Mr. Lee: There are only going to be three bathrooms.

Mr. Gordon: It will be three bathrooms.

Mr. Lee: Two and....

Mr. Gordon: What will be on the second story of the...

Mr. Salerno: It's a bathroom and then the addition.

Mr. Gordon: The addition's got a bathroom. Okay. If you built the second story there would be a bathroom there. But, if I look at the house there's an existing bathroom within the house to the right of existing bedroom two and to the back of existing bedroom four. So, we're building two more bathrooms.

Mr. Lee: No. First of all, the house itself has two bathrooms, the one in the basement you consider a half bath.

Mr. Gordon: Okay.

Mr. Lee: That will be gone once we have the new ones in. Then we have the second one on the second floor. That's all that we have. So, right now once we...

Mr. Gordon: Okay, right now you have two bathrooms?

Mr. Lee: Two bathrooms.

Mr. Gordon: Okay, one is inside the structure?

Mr. Lee: Yes, inside the structure.

Mr. Gordon: And, one is outside the structure?

Mr. Lee: Inside.

Mr. Gordon: Well, it's in the shed or whatever you call it.

Mr. Alarie: Mr. Gordon, if you go to A-1 that bathroom that he's alluded to is not in that mechanical room.

Mr. Gordon: No, that's an existing bathroom within the house.

Mr. Alarie: Within the house, correct.

Mr. Gordon: Yes.

Mr. Lee: Than one...

Mr. Gordon: What I'm asking is why can't both bathrooms be within the house?

Mr. Salerno: Well, because on the second floor there's no bathroom there.

Mr. Gordon: Well, that's the second floor, as I understand it.

Mr. Salerno: Oh.

Mr. George: The proposed second floor.

Mr. Salerno: A-1 is a basement plan.

Mr. Gordon: A-1 is the first floor plan.

Mr. George: Yes, the inside of the basement.

Mr. Collins: Existing first floor full bathroom.

Mr. Gordon: Yes.

Mr. Collins: Full bathroom.

Mr. Gordon: Yes.

Mr. Collins: Existing basement half bath.

Mr. Gordon: Yes, that's what I'm saying. That's exactly what I'm saying.

Mr. Lee: Can I approach?

Mr. Gordon: Sure, I guess; ask him. He's the boss.

Mr. Salerno: That's fine.

Mr. Lee: This is the bathroom that exists now. This is a half bath. This will be minimized.

Mr. Gordon: Okay, that's on the basement.

Mr. Lee: This is the basement.

Mr. Gordon: Yes. But, beyond it is a full bath.

Mr. Lee: No, no. This is the basement.

Mr. Gordon: Okay.

Mr. Lee: This is on the second floor.

Mr. Gordon: Okay, that's a full bath,

Mr. Lee: A full bath.

Mr. Gordon: Okay, the first floor has that. And, then the shed?

Mr. Lee: There is nothing, nothing in here.

Mr. Gordon: On the first floor?

Mr. Lee: Nothing.

Mr. Gordon: I thought that you said there was a mechanical room with a bathroom.

Mr. Lee: No, no, the mechanical room's right here.

Mr. Gordon: All that's in there is a mechanical room? A mechanical room consists of what?

Mr. Lee: It's the furnace and the hot water heater.

Mr. Gordon: And, a washer and dryer.

Mr. Lee: No, no. The washing machine...

Mr. Gordon: Well, how does the water get into the yard?

Mr. Lee: The washing machine is in the bathroom in here.

Mr. Gordon: So, what is the need of a mechanical room?

Mr. Lee: I'm sorry? This area exists.

Mr. Salerno: This room basically encloses the furnace, the boiler and hot water heater.

Mr. Gordon: Okay. If we add to the top of that...

Mr. Salerno: We're putting a bathroom over that.

Mr. Gordon: We're putting a bathroom over it, but we've already got a bathroom up there.

Mr. Lee: Well, you can't get into the second floor from the new addition because of the difference in the floor levels.

Mr. Gordon: So, you go from the second level, you walk down the stairs to go to this new bathroom outside or not outside?

Mr. Lee: No. If you look at...

Mr. Gordon: I'm confused.

Mr. Lee: This is the first floor, existing.

Mr. Gordon: Right.

Mr. Salerno: What page are you on?

Mr. Gordon: A-1.

Mr. Lee: This is the existing bathroom. The whole thing is the existing bathroom.

Mr. Gordon: But, now this is in the shed.

Mr. Lee: Yes.

Mr. Gordon: So, there is a bathroom in the shed?

Mr. Lee: Yes.

Mr. Gordon: Okay.

Mr. Lee: A half bath. It exists. This will minimize and then move and an addition which is on the second floor. Right here is the bathroom. This is the bathroom on the second floor, this guy here.

Mr. Gordon: What do you mean this guy? This is all one house isn't it?

Mr. Lee: The second floor.

Mr. Gordon: Okay, the second floor. This is proposed to be the second floor?

Mr. Lee: Yes.

Mr. Gordon: So, you say this guy; are these two separate houses?

Mr. Salerno: No.

Mr. Lee: Well, one house, but you can't come from here to there because of the floor level difference.

Mr. Gordon: Okay. I understand. I still don't like it. All right. Do we want to go on to the back house now?

Mr. Salerno: Well, is there a request in for the back of the house?

Mr. George: That is the proposed addition isn't it?

Mr. Gordon: Isn't there a proposed addition in the back?

Mr. Alarie: Yes, but that complies.

Mr. Gordon: That complies.

Mr. Lee: The addition complies. Just that portion there is what we're here for.

Mr. Gordon: Okay, so all you're here for is the little...

Mr. Salerno: The jog.

Mr. Gordon: The jog.

Mr. Salerno: To put a second. Not to over simplify it, but that's what he's here for.

Mr. Lee: Exactly.

Mr. Gordon: Okay. I think you have my answer.

Mr. Salerno: Not yet, but I anticipate it. Okay, is there anybody else that wants to comment on this? Do any other board members need to inquire? Okay sir, we'll take it under advisement, vote at the end of the meeting and notify you of our decision. Gentlemen, thank you for assisting us.

Decision

On April 19, 2005, the Shrewsbury Zoning Board of Appeals voted to deny the appeal of Nam Tau, 25 Edgewater Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the re-construction and expansion of a portion of the single family dwelling situated upon property located at 25 Edgewater Ave. maintaining the existing setbacks of said property.

Upon review of the appellant's proposal to remove and reconstruct a portion of the southerly side of his home, the majority of the board found that the vertical expansion of this nonconforming structure would adversely impact the welfare of area residents. They noted that this part of the dwelling is less than 5 ft. from the side lot line and that the structure situated upon the adjoining lot is less than 3 ft. from the line. It was their opinion that adding what amounts to an additional story at this nonconforming setback would violate the intent and the spirit of the Zoning Bylaw governing the expansion of nonconforming structures. They, therefore, voted to deny the appeal.

One member of the board found that, since the proposed expansion only involves a small area of the existing structure, it would not materially alter the nonconforming features of this property or negatively impact the welfare of this neighborhood. He, therefore, voted to grant the appeal.

Vote

Mr. Salerno	Yes
Mr. George	No
Mr. Gordon	No
Mr. Collins	No
Mr. Schaetzke	No

PUBLIC HEARING: Kalamat LLC, 307 Grafton Street, Shrewsbury, MA

PURPOSE: To hear the appeal of Kalamat LLC, 307 Grafton Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection E-4-a, to allow the placement of a sign 1 ft. from the westerly sideline of Grafton Circle upon property located at 307 Grafton Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 34 as Plots 39-3 and 40.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Peter D. Collins, Dale W. Schaetzke and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 4, 2005 and April 11, 2005.

Mr. Salerno: Please identify yourself for the record and make your presentation.

Ms. Tomaiolo: Good evening. I'm June Tomaiolo here with Frank Tomaiolo. We are partners in Kalamat LLC.

The sign is for the office building that abuts both Grafton Street and Route 140. What we're looking to do is to put our signage on the Route 140 side of the property. It will be one foot off of our property line but approximately 58 ft. from the street. If you look at the map in the front, and I tried to make a little bit of sense of this, you can see where the driveway is coming in on the left-hand corner of the map. Route 140 is at the bottom of that driveway. The town land goes along the front of that driveway. It crosses over the town land up into our site. If you notice where the wall is, that is pretty much where our property line meets. The solid line all the way around is our property line. I can show you this.

Mr. Salerno: That might be a help.

Mr. George: This is the property line.

Mr. Salerno: Yes.

Ms. Tomaiolo: This is the property line as it comes here.

Mr. Salerno: Where's Old Grafton Street?

Ms. Tomaiolo: This is Route 140. Old Grafton Street is up here behind you so this is sort of on a peninsula.

(Ms. Tomaiolo showed the individual board members where the property line is.)

Mr. Gordon: So, although it looks like it's only one foot, it's really about 59 ft.?

Ms. Tomaiolo: Yes.

Mr. Gordon: I ask because I asked the town engineer today because I know that they are going to be doing construction on Route 140 next year. I know the tip's already done. It's not coming down as far as you. They're not going to touch that area of 140.

Ms. Tomaiolo: No.

Mr. Gordon: So, you'll be 58 ft. away?

Ms. Tomaiolo: I'll be more than 58 ft. from the street.

The hardship is that the slope on that property is sloping upward from Route 140 up to the building. There are very few places that are flat to locate it. We're putting it close to the property line for visibility as well and also for safety. We need to have some visibility there. We've had people coming in that driveway thinking that they're getting on Grafton Street to go onto Route 9. I actually witnessed an accident there where a young girl came in, turned around and came out and pulled right out in front of a truck thinking that she was going onto the main road instead of into our driveway.

Mr. Salerno: So, the driveway that comes up here is actually 50 ft. from the roadway?

Ms. Tomaiolo: Exactly. Actually, it's about 57 ft. to the edge of the property line and then another 2 or 3 ft. inside where we would put the sign.

Mr. Gordon: Where's the Greenleaf sign right now, the small sign?

Mr. Tomaiolo: It's right at the driveway.

Ms. Tomaiolo: It's right on the right-hand side of the driveway.

Mr. Tomaiolo: In the easement.

Mr. Gordon: Okay.

Ms. Tomaiolo: It's right in the town easement so it can't stay there.

Mr. Gordon: Okay. So, this will be farther back?

Mr. Tomaiolo: Yes.

Ms. Tomaiolo: But it's set up further and it's on the other side of the driveway so that it gives people a view as they come under the Route 9 Bridge and approach the property. There's enough visibility to see it up high because the topography goes up high so that they will be able to see it.

Mr. Gordon: Do I take from this that there are three spaces on each floor?

Ms. Tomaiolo: Yes.

Mr. Gordon: Those won't increase?

Ms. Tomaiolo: No.

Mr. Gordon: Okay, so you have no problem if we said a sign that is similar in respects to the sign shown?

Ms. Tomaiolo: Yes.

Mr. Tomaiolo: Yes.

Mr. Gordon: Okay.

Mr. Salerno: Is Sunshine going to do the sign?

Mr. Tomaiolo: Yes.

Mr. Salerno: We can adopt this model?

Ms. Tomaiolo: Yes.

Mr. Salerno: The question I have for you is, as this goes over the town land, I assume that you have an easement. So, if there's a taking here, is that going to affect anything?

Mr. Tomaiolo: No.

Mr. Gordon: They're not going to take it.

Mr. Salerno: I thought that you said that there are plans.

Mr. Gordon: The plans end at Route 9. That's what I was told today.

Is this going to be lit?

Mr. Tomaiolo: Yes, up-lighting.

Mr. Gordon: Up-lighting? Okay, so spotlights?

Mr. Tomaiolo: Right.

Ms. Tomaiolo: There will be a brick base and then the up-lighting on either side.

Mr. Gordon: No more granite?

Ms. Tomaiolo: Well, there's brick in the building. We're trying to match the building with the sign.

Mr. Gordon: It's very nice.

Mr. Salerno: It's beautiful over there. It's a nice job. You've spent a lot of time doing that.

Mr. Gordon: You've turned an old barn into a silk purse. I think it's very nice.

Ms. Tomaiolo: There will be no other signage. There will be a smaller one up on the Grafton Street side, but everyone will be listed on that one sign.

Mr. Gordon: What smaller one on Grafton Street?

Ms. Tomaiolo: There is a small one that just mentions the upper level, what's on the upper level.

Mr. Gordon: Oh, okay.

Ms. Tomaiolo: There's a temporary one, but it's going to be similar to that, a much smaller version.

Mr. Salerno: Do you have tenants already?

Mr. Tomaiolo: Yes.

Mr. Salerno: You've got six tenant slots here, so is it all filled?

Mr. Tomaiolo: Five are.

Ms. Tomaiolo: Four are actually in right now.

Mr. Gordon: I understand that you are also considering tying into town sewer?

Ms. Tomaiolo: Yes.

Mr. Tomaiolo: Yes.

Mr. Gordon: That makes a difference.

Mr. George: The sign that you have now, is that going to be removed?

Mr. Tomaiolo: Yes, it's temporary.

Ms. Tomaiolo: We just wanted to give some visibility to the tenants that are in there now so that people could find them, especially since it's 307 Grafton Street, but some of it is on Memorial Drive.

Mr. Salerno: It's only 3 ft. 6 in. at the base?

Ms. Tomaiolo: Wide?

Mr. Salerno: It's a side profile?

Mr. Tomaiolo: Yes.

Mr. Salerno: To the right?

Mr. Tomaiolo: Yes.

Mr. Salerno: So, that's only 3 ft. 6 in. in width, the whole thing, and 22 ft. 6 in. in height?

Mr. Tomaiolo: Yes.

Mr. Salerno: Do they have the necessary square footage for signs Ron?

Mr. Alarie: Oh, they have tremendous frontage along Grafton Street and Grafton Circle. That gives them substantial sign capacity.

Mr. Salerno: Right, so there's no issue there?

Mr. Alarie: No.

Mr. Salerno: Do any board members have questions? Is there anyone in attendance who would like to comment on this petition? Seeing no further comment, we'll take the matter under advisement and notify you of our decision.

Mr. George: I just have one remark. This would now be the second variance on this property that you'll be granted if this goes through?

Mr. Tomaiolo: Yes.

Ms. Tomaiolo: The other was a sidewalk.

Mr. George: Yes.

Mr. Salerno: If there are no other questions, thank you for your presentation.

Decision

On April 19, 2005, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Kalamat LLC, 307 Grafton Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection E-4-a, to allow the placement of a sign 1 ft. from the westerly sideline of Grafton Circle upon property located at 307 Grafton Street.

In reviewing the appellant's proposal to install an identification sign for the office/retail building which is currently being constructed upon the subject premises, the board noted that there are unique features to the configuration of this site that warrant the granting the relief requested. They noted that there is an inordinate amount of open space between the westerly sideline of Grafton Circle and the actual edge of the traveled way which forces the placement of a conforming sign almost 80 ft. from the road. Also, the topography of the lot rises considerably from Grafton Circle up to the level of where the off-street parking area and building are situated which further reduces the sign's visibility if it was positioned in accordance with the minimum 20 ft. front yard setback. It was the board's opinion that these conditions impose a significant hardship to the owners, that the reduction of the setback would not seriously depart from the intent of the bylaw and that

the sign, as proposed, would promote the safety of the general public. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Collins	Yes
Mr. Schaetzke	Yes